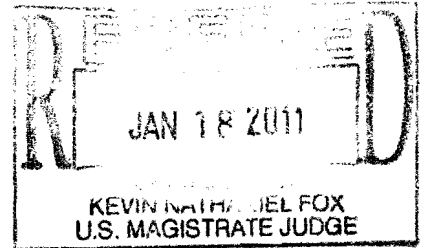


**JON L. NORINSBERG**

ATTORNEY AT LAW  
TRANSPORTATION BUILDING  
225 BROADWAY  
SUITE 2700  
NEW YORK, NEW YORK 10007



BRONX OFFICE  
5626 POST ROAD  
BRONX, NEW YORK 10471  
TEL (718) 432-3018  
FAX (718) 432-0070

TEL (212) 791-5396  
(212) 791-5397  
FAX (212) 406-6890  
E-MAIL: NORINSBERG@AOL.COM

January 17, 2011

Honorable Kevin N. Fox  
United States Magistrate Judge  
United States Courthouse  
500 Pearl Street, Room 540  
New York, New York 10007

MEMO ENDORSED

Re: **Rodriguez, et al., v. It's Just Lunch International, et al.**  
**Index No.: 07 -CV-9227 (SHS) (KNF)**

Your Honor:

I represent plaintiffs in the above putative class action. I write now on behalf of both parties to request that the claims of Sandra Burga and Karen McBride, two of the named plaintiffs in this action, be discontinued with prejudice under Rule 41(a)(2). The reason for this application is that neither Ms. Burga nor Ms. McBride were able to appear for depositions in this action, despite our repeated efforts to arrange for same. Given this fact, it is respectfully submitted that the individual actions of Ms. Burga and Ms. McBride should be discontinued with prejudice.<sup>1</sup>

I thank the Court for consideration of this request.

Respectfully submitted,

  
Jon L. Norinsberg

cc: Bari Klein, Esq.  
Balestriere Fariello, PLLC

<sup>1</sup>There are still five remaining plaintiffs in this action: Lisa Bruno, James Tortora, Janeen Cameron, Karen Malak and Christine Rodriguez. All of these plaintiffs appeared for their depositions and fully responded to defendants' discovery demands.